

**OFFICE OF SPECIAL MASTERS**

(Filed: May 19, 2005)

CHARLES and ELLEN EISS,	)	
as legal representatives of their minor daughter,	)	
GABRIELLE EISS,	)	
	)	
Petitioners	)	
	)	
v.	)	No. 97-0529V
	)	DO NOT PUBLISH
SECRETARY OF	)	
HEALTH AND HUMAN SERVICES,	)	
	)	
Respondent.	)	
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**DECISION ON ATTORNEY’S FEES AND ATTORNEY’S COSTS<sup>1</sup>**

Petitioners, Charles Eiss (Mr. Eiss) and Ellen Eiss (Ms. Eiss), as legal representatives of their minor daughter, Gabrielle Eiss (Gabrielle), seek an award of \$105,000.00 in attorney’s fees and attorney’s costs for an action that they pursued under the National Vaccine Injury Compensation Program (Program).<sup>2</sup> See Petition for Attorney Fees and Costs (Fee Petition), filed May 17, 2005, at 1. Mr. Eiss and Ms. Eiss represent that they did not incur any personal expenses as defined by General Order No. 9. See Petitioner’s Statement Concerning Costs (Statement), filed May 17, 2005, at 1. Respondent does not object apparently to the Fee Petition. See Fee Petition at 1.

Mr. Eiss and Ms. Eiss received Program compensation. Therefore, the Act mandates the award of “reasonable attorneys’ fees” and “other costs.” § 300aa-15(e)(1). The special master has

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<sup>1</sup> As provided by Vaccine Rule 18(b), each party has 14 days within which to request redaction “of any information furnished by that party (1) that is trade secret or commercial or financial information and is privileged or confidential, or (2) that are medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of privacy.” Vaccine Rule 18(b). Otherwise, “the entire decision” will be available to the public. *Id.*

<sup>2</sup> The statutory provisions governing the Vaccine Program are found in 42 U.S.C. §§ 300aa-10 *et seq.* For convenience, further reference will be to the relevant section of 42 U.S.C.

reviewed carefully Mr. Eiss's and Ms. Eiss's Fee Petition. He determines that the Fee Petition is appropriate. Thus, in the absence of a motion for review filed under RCFC Appendix B, the clerk of court shall enter judgment in Mr. Eiss's and Ms. Eiss's favor for \$105,000.00. The judgment shall provide that Mr. Eiss's and Ms. Eiss's attorney of record, Curtis R. Webb, Esq. (Mr. Webb), may collect \$105,000.00 from Mr. Eiss and Ms. Eiss.<sup>3</sup>

The clerk of court shall send Mr. Eiss's and Ms. Eiss's copy of this decision to Mr. Eiss and Ms. Eiss by overnight express delivery.

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John F. Edwards  
Special Master

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<sup>3</sup> Under Vaccine Rule 11(a), the parties may expedite entry of judgment by filing a joint notice renouncing the right to seek review. Then, under Vaccine Rule 12(a), Mr. Eiss and Ms. Eiss may expedite payment by filing an election to accept the judgment.